

Kansas Department of Agriculture

Division of Food Safety and Lodging

1320 Research Park Drive, Manhattan, KS 66502
(office) 785-564-6767 (fax) 785-564-6779

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Insp Date: 7/7/2015 **Business ID:** 111392FE
Business: MARGARITA PARADISE

9083 METCALF AVE
OVERLAND PARK, KS 66212

Inspection: 16000322
Store ID:
Phone: 9133812738
Inspector: KDA16
Reason: 01 Routine
Results: Follow-up

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
07/07/15	11:59 AM	02:50 PM	2:51	0:08	2:59	0	
Total:			2:51	0:08	2:59	0	

FOOD ESTABLISHMENT PROFILE

Insp. Notification Email Sent Notification To _____ Lic. Insp. No

Priority(P) Violations 4 Priority foundation(Pf) Violations 3

Certified Manager on Staff ☐ Address Verified p Actual Sq. Ft. 0
Certified Manager Present ☐

INSPECTION INFORMATION

Risk factors are improper practices or procedures identified as the most prevalent contributing factors of food-borne illness or injury. Public health interventions are control measures to prevent food-borne illness or injury.

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals and physical objects into foods.

Violations cited in this report must be corrected within the time frames entered below, or as stated in sections 8-405.11 of the food code.

P=Priority Violation, Pf=Priority foundation violation, HACCP=Hazard Analysis-Critical Control Point, BHC=Bare Hand Contact, RTE=Ready to Eat, HSP=Highly Susceptible Population, K.S.A.=Kansas Statutes Annotated, All temperatures are measured in degrees Fahrenheit (°F).

IF YOU HAVE ANY QUESTIONS PLEASE VISIT www.agriculture.ks.gov, EMAIL fsl@kda.ks.gov, OR CALL (785) 564-6767.

COMPLIANCE KEY: Y=in compliance; N=not in compliance; O=not observed; A=not applicable; C=corrected on-site during inspection; R=repeat violation.

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Demonstration of Knowledge

1. Certification by accredited program, compliance with Code, or correct responses.

Y N O A C R
.. p

Employee Health

2. Management awareness; policy present.
3. Proper use of reporting, restriction and exclusion.

Y N O A C R
p
p

Good Hygienic Practices

Y N O A C R

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Good Hygienic Practices		Y	N	O	A	C	R
4. Proper eating, tasting, drinking, or tobacco use		p	..	..	..	..	..
5. No discharge from eyes, nose and mouth.		p	..	..	..	..	..
Preventing Contamination by Hands		Y	N	O	A	C	R
6. Hands clean and properly washed.		p	..	..	..	..	..
7. No bare hand contact with RTE foods or approved alternate method properly followed.		p	..	..	..	..	..
8. Adequate handwashing facilities supplied and accessible.		..	p	..	..	p	..
Fail Notes	6-301.11 Pf - Each HANDWASHING SINK or group of two adjacent HANDWASHING SINKS shall be provided with a supply of hand cleaning liquid, powder, or bar soap. [There is no soap at the handwashing sink in the bar area.]						
Approved Source		Y	N	O	A	C	R
9. Food obtained from approved source.		p	..	..	..	..	..
10. Food received at proper temperature.		..	..	p	..	..	..
11. Food in good condition, safe and unadulterated.		p	..	..	..	..	..
Fail Notes	3-101.11 P - FOOD shall be safe, UNADULTERATED, and honestly presented. [There are small flies inside the bottle of "Fundador Brandy, Captain Morgan, and 2 bottles of Pepe Lopez Tequila". COS Bottles were poured out and thrown out.]						
12. Required records available: shellstock tags, parasite destruction.		..	..	..	p	..	..
Protection from Contamination		Y	N	O	A	C	R
13. Food separated and protected.		..	p	..	..	..	..
Fail Notes	3-302.11(A)(1)(a) P - FOOD shall be protected from cross contamination by separating raw animal FOODS during storage, preparation, holding, and display from raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables [In the 1 door RIC, raw bacon was stored over RTE salsa. COS Employee removed bacon and put on bottom shelf.]						
14. Food-contact surfaces: cleaned and sanitized.		..	p	..	..	p	..
Fail Notes	4-501.114(A) P - Chemical Sanitization-Chlorine concentration - A chlorine SANITIZING solution for a manual or mechanical operation shall have a minimum temperature of: 49°C (120°F) and pH of 10 or less for a chlorine concentration of 25-59 mg/L; 38°C (100°F) and pH of 8 to 10 for a chlorine concentration of 50-99 mg/L, 24°C (75°F) and pH of 8 or less for a chlorine concentration of 55-99 mg/L; and 13°C (55°F) and pH of 10 or less for a chlorine concentration of 100 mg/L. [The dishwashing machine did not have any chlorine sanitizer dispensing. The sanitizer was replaced. When inspector check the sanitizer levels again after bottle was changed, there was still no sanitizer dispensing. PIC said he will call contracted repairman to fix the issue. COS Instructed employee to use the sanitation compartment after he used the dishwashing machine until the problem is fixed.]						
15. Proper disposition of returned, previously served, reconditioned and unsafe food.		..	..	p	..	..	..
Potentially Hazardous Food Time/Temperature		Y	N	O	A	C	R
16. Proper cooking time and temperatures.		..	..	p	..	..	..
17. Proper reheating procedures for hot holding.		..	..	p	..	..	..
18. Proper cooling time and temperatures.		..	..	p	..	..	..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Potentially Hazardous Food Time/Temperature

19. Proper hot holding temperatures.

Y N O A C R
p " " " " "

This item has Notes. See Footnote 1 at end of questionnaire.

20. Proper cold holding temperatures.

p " " " " "

This item has Notes. See Footnote 2 at end of questionnaire.

21. Proper date marking and disposition.

" p " " p "

Fail Notes 3-501.18(A)(2) P - RTE PHF/TCS, Disposition (discard if in a container w/out a date) Refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) prepared or opened and held in a FOOD ESTABLISHMENT for more than 24 hours shall be discarded if it is not clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days, with the day of preparation counted as Day 1. [In the 3 door RIC, ground beef in stainless steel container did not have a prepare or discard date. Employee said it was made 7/3. COS Manager put Friday date on container.]

22. Time as a public health control: procedures and record.

" " " p " "

Consumer Advisory

23. Consumer advisory provided for raw or undercooked foods.

Y N O A C R
" p " " " "

Fail Notes 3-603.11(C) Pf - Consumer Advisory for Raw or Undercooked Food (Reminder requirements) - REMINDER shall include asterisking the animal-derived FOODS requiring DISCLOSURE to a footnote that states: Regarding the safety of these items, written information is available upon request; Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness; or, Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness, especially if you have certain medical conditions. [The menu did not have a asterisk by the cook to order steaks. Manager said the establishment is planning to redo the menus.]

Highly Susceptible Populations

24. Pasteurized foods used; prohibited foods not offered.

Y N O A C R
" " " p " "

Chemical

25. Food additives: approved and properly used.

Y N O A C R
" " p " " "

26. Toxic substances properly identified, stored and used.

p " " " " "

Conformance with Approved Procedures

27. Compliance with variance, specialized process and HACCP plan.

Y N O A C R
" " " p " "

GOOD RETAIL PRACTICES

Safe Food and Water

28. Pasteurized eggs used where required.

Y N O A C R
" " " p " "

29. Water and ice from approved source.

p " " " " "

30. Variance obtained for specialized processing methods.

" " " p " "

Food Temperature Control

31. Proper cooling methods used; adequate equipment for temperature control.

Y N O A C R
p " " " " "

32. Plant food properly cooked for hot holding.

" " p " " "

33. Approved thawing methods used.

" p " " p "

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Food Temperature Control		Y	N	O	A	C	R
<i>Fail Notes</i>	3-501.13(A)	<i>TCS Thawing (Refrigeration) POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be thawed under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less. [Sitting on top of the 3 compartment sink was a frozen tenderloin for thawing. COS Tenderloin was put in WIC. Employee and staff was educated.]</i>					
34. Thermometers provided and accurate.		p	..	..	..	..	..
Food Identification		Y	N	O	A	C	R
35. Food properly labeled; original container.		p	..	..	..	..	..
Prevention of Food Contamination		Y	N	O	A	C	R
36. Insects, rodents and animals not present.		..	p	..	..	..	..
<i>Fail Notes</i>	6-501.111(A)	<i>P - Pests (Prohibited) The PREMISES shall be maintained free of insects, rodents, and other pests. [In the bar was 20 to 50 small flies surrounding or near the in use alcohol bottles. Contracted pest control last visit was 6/23.]</i>					
37. Contamination prevented during food preparation, storage and display.		p	..	..	..	..	..
38. Personal cleanliness.		p	..	..	..	..	..
39. Wiping cloths: properly used and stored.		..	..	p	..	..	..
40. Washing fruits and vegetables.		..	..	p	..	..	..
Proper Use of Utensils		Y	N	O	A	C	R
41. In-use utensils: properly stored.		p	..	..	..	..	..
42. Utensils, equipment and linens: properly stored, dried and handled.		p	..	..	..	..	..
43. Single-use and single-service articles: properly used.		p	..	..	..	..	..
44. Gloves used properly.		p	..	..	..	..	..
Utensils, Equipment and Vending		Y	N	O	A	C	R
45a. Food and non-food contact surfaces cleanable, properly designed, constructed and used- P and Pf items		p	..	..	..	..	..
45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used- Core items		p	..	..	..	..	..
46. Warewashing facilities: installed, maintained, and used; test strips.		p	..	..	..	..	..
<i>This item has Notes. See Footnote 3 at end of questionnaire.</i>							
47. Non-food contact surfaces clean.		p	..	..	..	..	..
Physical Facilities		Y	N	O	A	C	R
48. Hot and cold water available; adequate pressure.		p	..	..	..	..	..
49. Plumbing installed; proper backflow devices.		p	..	..	..	..	..
50. Sewage and waste water properly disposed.		p	..	..	..	..	..
51. Toilet facilities: properly constructed, supplied and cleaned.		..	p	..	..	..	..
<i>Fail Notes</i>	5-501.17	<i>A toilet room used by females shall be provided with a covered receptacle for sanitary napkins. [There is no covered receptacle in the women's restroom.]</i>					
52. Garbage and refuse properly disposed; facilities maintained.		p	..	..	..	..	..
53. Physical facilities installed, maintained and clean.		p	..	..	..	..	..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Physical Facilities

54. Adequate ventilation and lighting; designated areas used.

Y	N	O	A	C	R
p	..	..	..	..	..

Administrative/Other

55. Other violations

Y	N	O	A	C	R
p	..	..	..	..	..

EDUCATIONAL MATERIALS

The following educational materials were provided p

<i>Material Distributed</i>	<i>Education Title #07</i>	<i>Corrective Actions</i>
	<i>Education Title #08</i>	<i>Date Marking</i>

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

Hot Holding

Steam table

Chicken 163F

Ground beef 172F

Marinara 160F

Pork tamales 157F

Footnote 2

Notes:

Cold Holding

Fryer Prep table

Diced tomatoes 35F

Raw chicken 31F

Beef 39.8F

RIC

Steak 40.8F

Ribs 34.7F

Sausage 40F

Raw shrimp 33F

Prep Area

Diced tomatoes 38F

Pico de gallo 38F

Salsa 40F

Shredded lettuce 39F

RIC

Chicken 41F

Ground beef 40F

WIC

Salsa 39F

Whole milk 40F

Footnote 3

Notes:

Chlorine test strips were available.

Quat test strips available.

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

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NOTICE OF NON COMPLIANCE WITH KANSAS LAW

The Kansas Food, Drug and Cosmetic Act, effective July 1, 2012 includes K.S.A. 65-619 et seq. and regulations promulgated pursuant thereto and grants the Kansas Department of Agriculture the authority to regulate food establishments and food processing plants.

The Kansas Food, Drug and Cosmetic Act requires that all violations shall be corrected no later than 10 days after this inspection unless otherwise directed on this form.

Failure to comply with the food safety law and its regulations may result in embargo of non-compliant products; immediate closure of your establishment; civil penalties of up to \$1,000.00 per violation; denial of license renewal, modification, suspension and/or revocation of any license or authority issued pursuant to the food safety law; and/or any other penalty authorized by law. Pursuant to K.S.A. 65-619 et seq, licensees issued authority under the Kansas Food, Drug and Cosmetic Act may apply to the secretary for an extension of the time prescribed above.

PLEASE CALL (785) 296-5600 IF YOU HAVE ANY QUESTIONS.

Follow up Scheduled 07/17/15

Inspection Report Number 16000322

Inspection Report Date 07/07/15

Establishment Name	MARGARITA PARADISE
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Physical Address 9083 METCALF AVE City OVERLAND PARK
 Zip 66212

Additional Notes and Instructions

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VOLUNTARY DESTRUCTION REPORT

Insp Date: 7/7/2015 **Business ID:** 111392FE
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ACTIONS

Number of products Voluntarily Destroyed 3

VOLUNTARY DESTRUCTION REPORT

I have this day voluntarily destroyed, or caused to be destroyed, the merchandise described below. Said merchandise found in my possession was unfit for human consumption, misbranded, or otherwise unlawful. Destruction and final disposition of said merchandise has been done in a manner approved by the above named Inspector, representative of the Kansas Department of Agriculture.

I hereby release the Kansas Department of Agriculture, and its members, agents, and representatives from any and all liability.

1. Product Fundadar Brandy Qty 1 Units 1/2 bot Value \$ 10.99

Description Adulterated

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

2. Product Captain Morgan Rum Qty 1 Units 1/3 Bot Value \$ 5.00

Description Adulterated

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

3. Product Pepe Lopez Tequila Qty 2 Units bottles Value \$ 20.00

Description Adulterated

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A